

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA,

Plaintiff,

v.

ELI LILLY AND COMPANY,
IMCLONE LLC, and
BRISTOL-MYERS SQUIBB COMPANY,

Defendants.

Civil Action No. 2:15-cv-06133-WB

**DECLARATION OF MATTHEW KUDZIN IN SUPPORT OF
DEFENDANTS' MOTION TO STAY PENDING *INTER PARTES* REVIEW**

I, Matthew Kudzin, hereby state as follows:

1. I am an attorney at Covington & Burling LLP, counsel for Defendants Eli Lilly and Company, ImClone LLC, and Bristol-Myers Squibb Company in this action. I have personal knowledge of the facts set forth herein. I submit this declaration in support of Defendants' Motion to Stay Pending *Inter Partes* Review.

2. Attached hereto as Exhibit 1 is a true and correct copy of the Notice of Abandonment of U.S. Patent Application No. 12/114,475, dated May 11, 2011.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Notice of Abandonment of U.S. Patent Application No. 13/080,313, dated April 11, 2012.

4. Attached hereto as Exhibit 3 is a true and correct copy of the Notice of Abandonment of U.S. Patent Application No. 14/485,525, dated September 10, 2015.

5. Attached hereto as Exhibit 4 is a true and correct copy of the May 27, 2015, Office Action of the United States Patent and Trademark Office rejecting the claims of U.S. Patent Application No. 13/796,468.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Notice of Abandonment of U.S. Patent Application No. 13/796,468, dated December 8, 2015.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Petition for *Inter Partes* Review of U.S. Patent No. 7,625,558 Under 35 U.S.C. §§ 311–319 and 37 C.F.R. § 42.100 *et seq.*, filed with the United States Patent and Trademark Office on January 14, 2016.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 15, 2016

/s/ Matthew Kudzin

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